

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of a Petition by Interstate
Power and Light Company for Authority to
Increase Electric Rates in Minnesota.

PREHEARING ORDER

This matter came on for prehearing conference before Administrative Law Judge Richard C. Luis on July 25, 2005, in the Large Hearing Room of the Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota.

The following persons appeared at the prehearing conference:

Michael J. Bradley, Esq., Moss & Barnett, 4800 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402, appeared for Interstate Power and Light Company (IPL or the Company).

Karen Hammel and Omar Syed, Assistant Attorneys General, Suite 200, 525 Park Street, St. Paul, MN 55103, appeared for the Department of Commerce (Department).

Robert Harding, Ganesh Krishnan, Lillian Brion, and Louis Sickmann appeared for the staff of the Minnesota Public Utilities Commission (Commission or MPUC).

PARTIES

1. The parties to this proceeding named in the Commission's Notice and Order for Hearing of July 8, 2005, are IPL, the Department and the Residential and Business Utilities Division of the Office of the Attorney General (OAG).

2. The final date for filing any petition to intervene is September 1, 2005. Any person seeking intervention after that date may be restricted as to the scope of their participation.

3. Any person allowed to intervene after the date of this Order shall be bound by the terms of this Order.

SCHEDULE

4. The Commission accepted IPL's petition as complete on July 8, 2005, and the Commission must decide this matter within 10 months of that date. In order to enable the Commission to meet this deadline, the following schedule is established:

Intervention Deadline	September 1, 2005
Direct testimony of the Department, OAG, and any other intervenor	October 7, 2005 (3:00 p.m. deadline)
Public Hearing – Videoconference	October 18, 2005 (tentative date)
Rebuttal testimony	October 21, 2005 (3:00 p.m. deadline)
Surrebuttal testimony	November 2, 2005
Evidentiary Hearing	November 8-10, 2005
Posthearing Brief	December 8, 2005 (tentative date)
Reply Brief	December 19, 2005 (tentative date)
ALJ Recommendation	January 18, 2006 (tentative date)
Exceptions to the Commission	February 2, 2006 (tentative date)

FILING OF DOCUMENTS

5. All prefiled testimony and other documents shall be filed with the Administrative Law Judge and served upon the persons on the service list in accordance with the schedule above. The filing deadline is 4:30 p.m. of the due date, except where specifically noted above. Filing and service shall be effective upon receipt of a copy by e-mail or other means. If testimony is served by e-mail, paper copies shall be mailed no later than the due date. The parties will ensure that paper copies of any attachments to testimony that are not available in electronic format are served and received by the due date.

6. All prefiled testimony shall be in question and answer format or other easily understood and easily referenced format.

7. All documents filed, including prefiled testimony, **but excluding information requests and responses**, shall be filed as follows:

- (a) Before the Administrative Law Judge's Report is issued, the original of all documents shall be delivered or mailed to the Administrative Law Judge and an electronic copy shall be e-mailed to the Administrative Law Judge.
- (b) After the Administrative Law Judge's Report is issued, the original of all documents shall be filed with the Executive Secretary of the Commission.
- (c) E-mail and paper copies of all documents shall be served on the persons listed on the attached service list. The list will be revised as necessary by the Administrative Law Judge.
- (d) Proof of service shall be filed with each filed document or within three business days thereafter.

8. One copy of any document or information filed with or supplied to the Commission or the Commission staff shall be served upon every person on the service list.

DISCOVERY

9. A party may serve requests for information upon any other party. All requests for information shall be made in writing by regular mail and e-mail to the person from whom the information is sought, with a copy of the request mailed and e-mailed to all parties of record. The party responding to the information request shall provide the information requested to the requesting party within eight business days of receipt of the request. In accordance with Minn. Rule 1400.6100, subp. 1, the date that the information request is received is not counted in the eight-day period. Any information request received after 3:00 p.m. on a business day, weekend day, or State holiday is considered to be received on the following business day, except that any U.S. mail received during business hours is considered to be received on the same day. There shall be a continuing obligation to update and supplement information responses. The responsive information need not be supplied to other parties unless specifically requested by a party.

10. In the event the information cannot be supplied within the required response time, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information and to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon

motion of a party. Such motion should be made by e-mail notice and will be heard during a telephone conference with the Administrative Law Judge and affected parties.

11. The Department has engaged in informal discovery and IPL has made no objection to these discovery methods, as long as the Department first contacts Scott McClure at 608/458-5141 to allow IPL to coordinate its responses to the information requests. The Department has agreed to use this process.

12. There shall be no formal discovery cut-off. If any party finds a discovery request to be unduly burdensome or ill-timed, that party should seek relief from the Administrative Law Judge. A motion seeking such relief should be made as soon as possible after the discovery request is received. E-mail notice and hearing by teleconference will be conducted where insufficient time is available to use the normal motion process.

PROTECTIVE ORDER

13. At this time, the only intervenors are government agencies bound by the Data Practices Act (Minn. Stat. Chap. 13). Therefore, no protective order has been issued. In the event that a nongovernmental intervenor joins this proceeding and trade secret data must be disclosed, the Administrative Law Judge will issue a protective order. Any party seeking issuance of a protective order can use e-mail notice and a hearing by teleconference will be conducted, if necessary. The normal motion process for such an order is not required.

PREFILED TESTIMONY AND ORDER OF TESTIMONY

14. Prefiled direct, rebuttal, and surrebuttal testimony shall be offered and received in evidence as exhibits. Prefiled testimony that is amended or that is not offered into the record shall be considered withdrawn and the sponsoring witness may not be cross-examined concerning the withdrawn testimony. Except for cause shown, all substantive revisions or corrections to prefiled testimony shall be made in writing and served upon the Administrative Law Judge and the parties by facsimile no later than three days before the commencement of the evidentiary hearing.

15. Except for good cause shown, any new affirmative matter that is not offered in reply to another party's direct or rebuttal evidence shall not be offered in rebuttal or surrebuttal testimony and exhibits. During the course of the evidentiary hearing, however, the parties may raise affirmative matters in response to new issues that arise on cross-examination.

16. The order of the testimony in the evidentiary hearing shall be IPL, intervenors (in the order of intervention), the OAG, and the Department.

17. Each witness shall be allowed five minutes at the beginning of his or her testimony either to summarize and highlight the prefiled testimony or to respond to new

issues raised in the surrebuttal testimony. Witnesses may not introduce new information into this proceeding by means of their summaries.

EXAMINATION OF WITNESSES

18. Parties shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.

19. Except for good cause shown, objections by any party relating to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states in writing its objection with particularity to the Administrative Law Judge and serves a copy of such objections on the Commission and all other parties prior to the commencement of the evidentiary hearing. Any prefiled testimony that is not objected to shall be admitted during the evidentiary hearings without the necessity of laying foundation for the testimony.

Dated this 3rd day of August, 2005.

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge